

DISCUSSION OF THE AMENDMENTS IN THE DRAWING FIGURES AS
REQUESTED ABOVE

The only changes to the amended drawing figures have been in FIGS 1, 3, 4, 5, and 11, and these changes comport with the Examiner's requests, as stated on page 3, paragraph 5 of his Office Action, and requiring the illustration of reference numerals 24, 26, 37, 38, 43, and 21. These reference numerals are shown in the amended drawing figures labeled with the "Replacement Sheet" header. These items and their reference numerals are shown in the parent Patent Application as the same reference numeral. No new subject matter has been added to the drawing figures. Amended FIG. 1 now shows a reflector (43), similar to the reflector shown in FIG. 3 of the parent patent. Amended FIG. 3 now shows a small, pop-up retractable stop (21), most similar to the retractable stops (21) shown in FIGS 14 and 16 of the parent patent. Amended FIGS 4 and 5 now show a reflector (43), similar to the reflector shown in FIG. 3 of the parent patent. Amended FIG. 11 now shows a cable pin port (37), a pin port housing (38), a handle (6), a handle hinge (24), a first cable port (26), similar to these three items shown in FIGS 1, 2, and 4 of the parent patent, and as shown in greater detail in FIGS 37 and 41 of the parent patent.

A markup copy of the drawing figures, showing the changes set forth in the amended drawing figures, is attached hereto as Appendix 1, thereto.

DISCUSSION OF THE AMENDMENTS IN THE CLAIMS AS REQUESTED ABOVE

The Applicant has amended the claims as suggested by the Examiner on page 2, paragraphs 2 and 3 of his Office Action. The Applicant has corrected by Amendment

the reference to "a sets", and has made another suggested amendment to the claims, in adding the phrase suggested at the end of paragraph 2 of the Office Action. The Applicant has also amended claims 4 through 6, as suggested by the Examiner at the end of paragraph 3 of the Office Action. The Applicant appreciates the suggestions kindly made by the Examiner, and hopes that the claims, and each of them, are now in allowable form. It is also hoped that the amendments made to claims 4 through 6, have averted the Examiner's double patenting objection, as stated on page 2, paragraph 3 of his Office Action.

A markup copy of the originally filed claims, showing the changes set forth in the amended claims, *infra*, is attached hereto as Appendix 2, thereto.

DISCUSSION OF THE AMENDMENTS IN THE SPECIFICATION AS REQUESTED ABOVE

The Applicant has amended the specification to indicate the patent number of the parent patent, as requested by the Examiner on page 4, paragraph 7, of his Office Action.

A markup copy of the originally filed pages 1 and 22, which were amended to indicate the parent patent number, are attached hereto, as Appendix 3, thereto.

CONCLUSION

The Applicant and the undersigned greatly appreciate the Patent Examiner's helpful suggestions, and particularly suggested changes to the claim language.

The Applicant and undersigned have made the required and requested changes, as set forth by the Patent Examiner, and now believe the patent application, with its claims,

to be in allowable form. The Patent Examiner is respectfully requested to permit the patent application to go to Allowance.

If there are any further changes or amendments required to place this patent application in allowable form, and which may be resolved in a telephone interview, the Patent Examiner is respectfully requested to please call the undersigned.

Thank you for your time and consideration of this patent application.

Happy Holidays.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert N. Schlesinger", with a stylized flourish at the end.

Robert N. Schlesinger, PTO Registration No. 29,852

Robert N. Schlesinger

7289 Meadowlark Place

Rancho Cucamonga, CA 91701

Phone: (909)-980-9540

email:mathtech@earthlink.net

Appendix 1

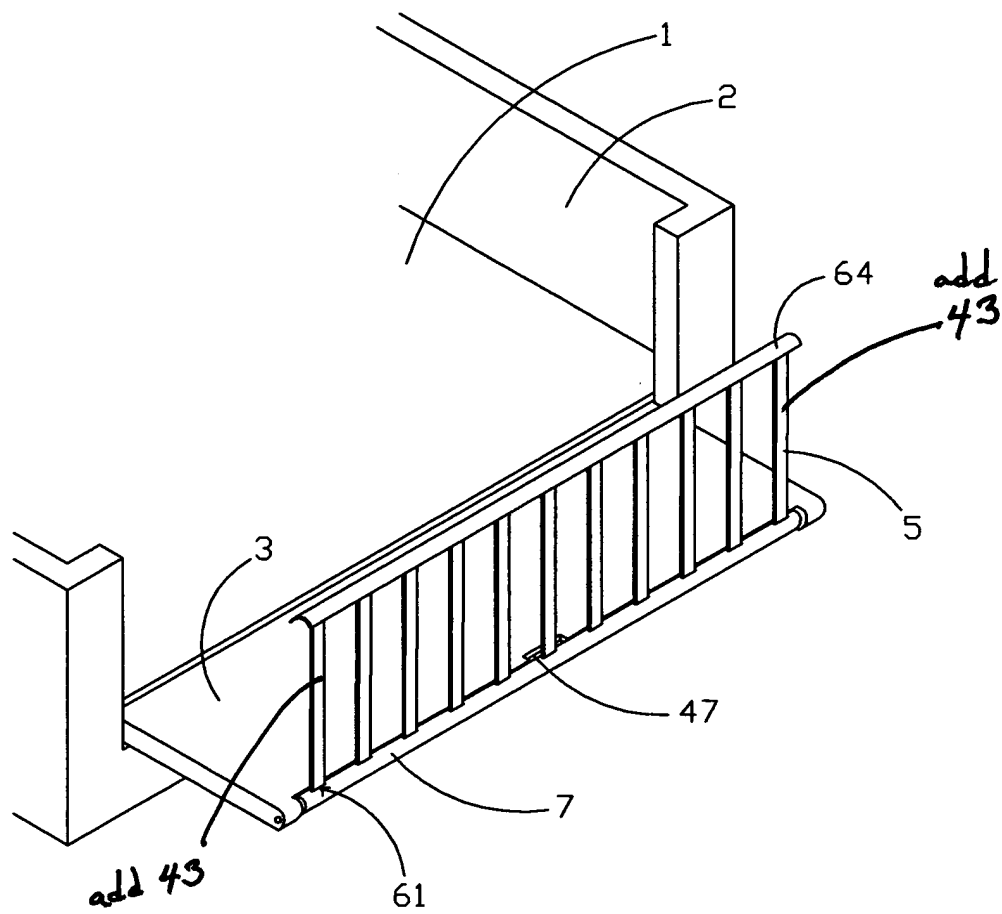


Fig. 1

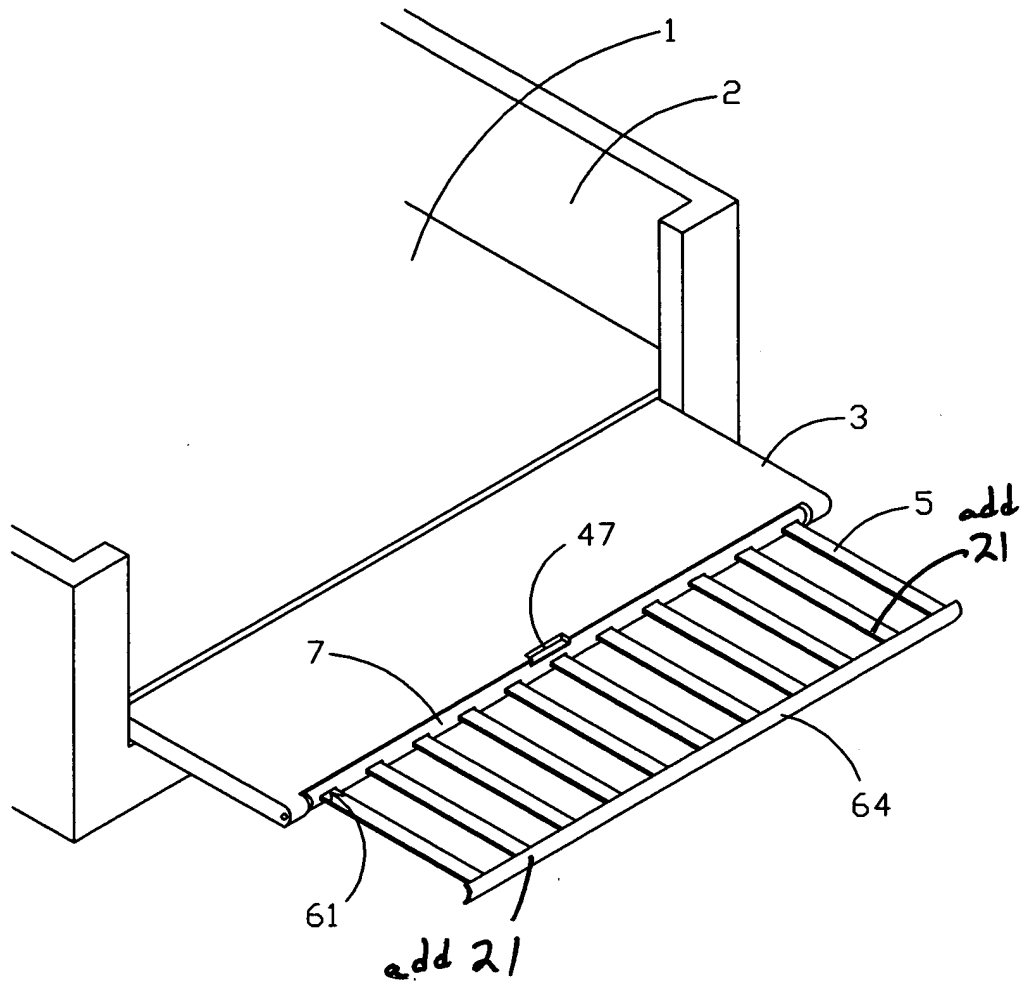


Fig. 3

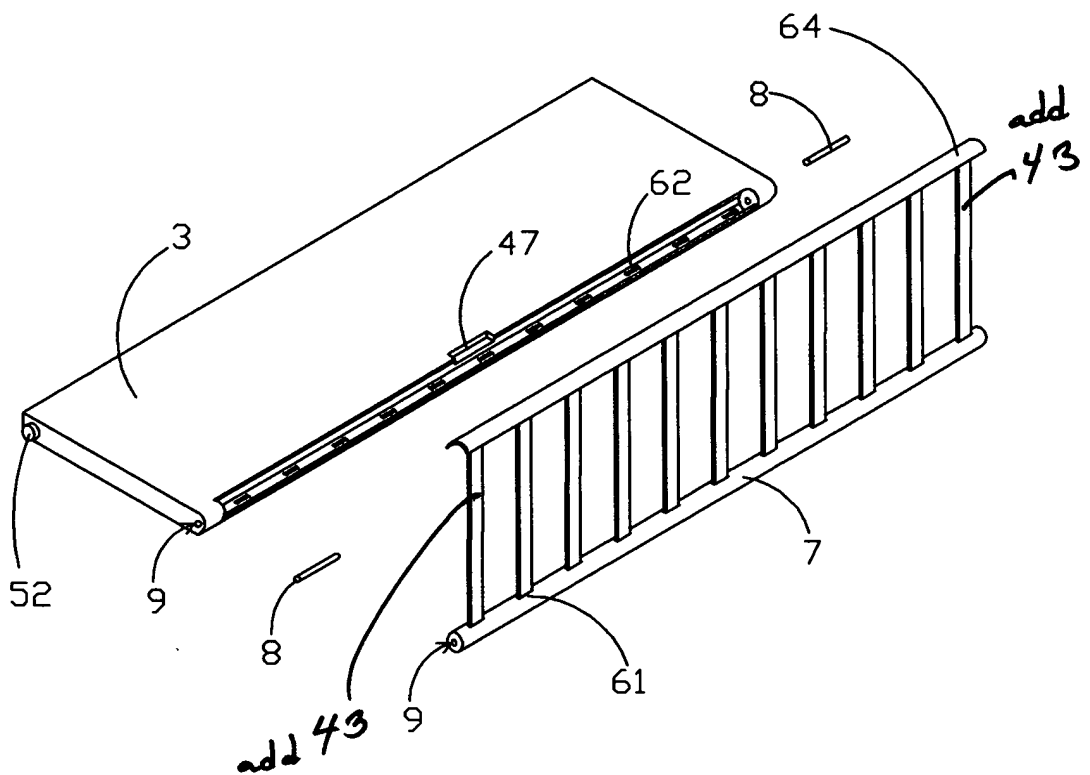
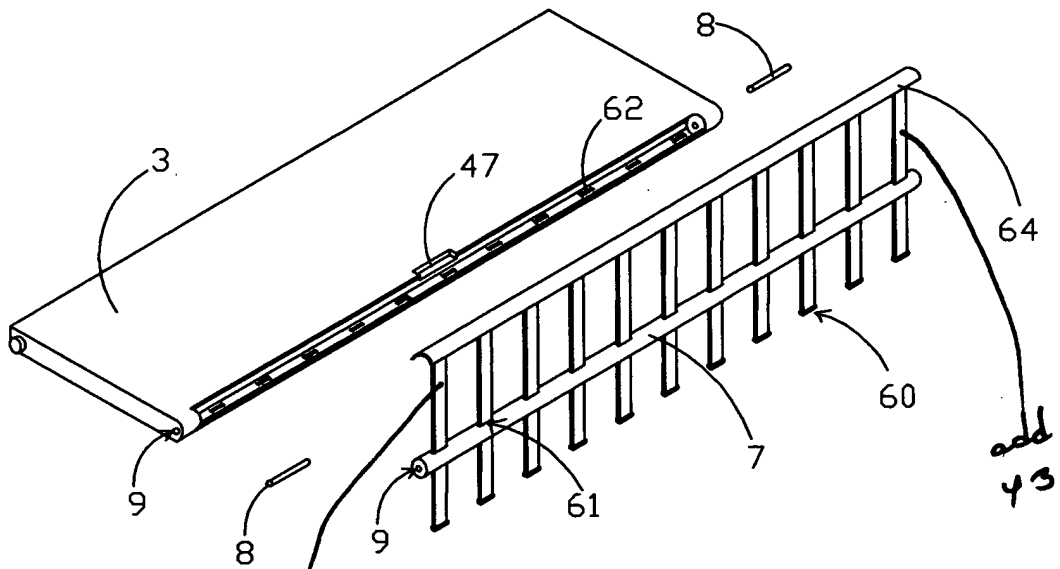


Fig. 4

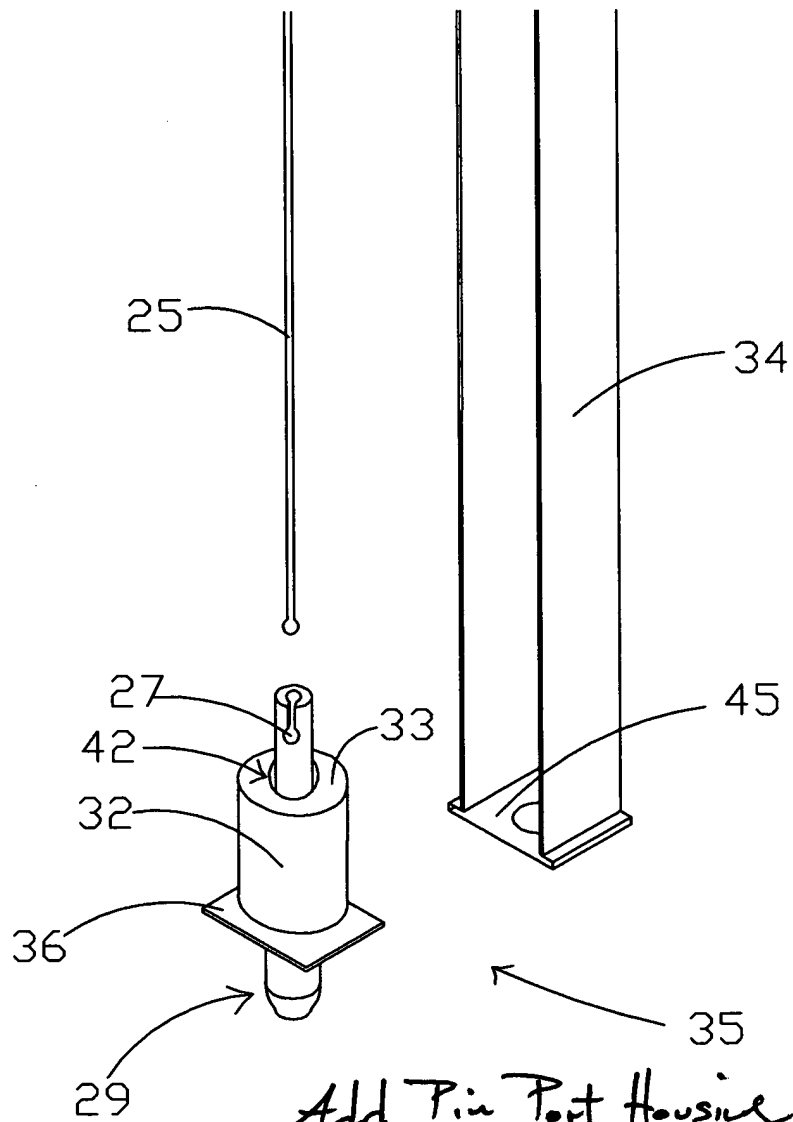


add 43

Fig. 5

add 43

Add Handle
w/ #s 6, 26, 24.



Add Pin Port Housing
w/ #s 37 and 38

Fig. 11

Appendix 2

CLAIMS

I claim:

1. A Retractable Auxiliary Tailgate, comprised essentially of:

a. an open frame back panel with a top rail located along a top end of said open frame back panel, and with a plurality of frame locks located on opposite end of the open frame back panel;

b. said open frame back panel is attached to a primary tailgate, with a horizontal back panel hinge by means of a set of hinge pins matedly fit into a set of corresponding hinge pin ports, thereby holding said horizontal back panel hinge to said primary tailgate;

c. the open frame back panel is retractable within the primary tailgate, when said Retractable Auxiliary Tailgate is in its closed position, and with only said top rail visible along said primary tailgate's top end;

d. said open frame back panel is moved to its horizontal open position by pulling the open frame back panel out of the primary tailgate, and through the horizontal back

panel hinge, and through a set~~X~~ of primary frame ports, until said open frame back panel

emerges from within
~~exits~~ said primary tailgate, and then said frame locks each fit into a frame lock port;

e. the open frame back panel is moved to its vertical open position by pulling said open frame back panel to its horizontal open position, and then rotating the open frame back panel, with said horizontal back panel hinge being an axis of rotation, from a horizontal position to the vertical position, and then setting said open frame back panel into a set of secondary frame ports, where the open frame back panel is then effectively locked into its vertical open position.

2. A Retractable Auxiliary Tailgate, as recited in claim 1, and further comprised essentially of a set of reflectors attached to said open frame back panel.

3. A Retractable Auxiliary Tailgate, as recited in claim 1, and further comprised essentially of a retractable stop affixed to the top rail, and such that said open frame back panel may still retract into the primary tailgate, with said top rail visible along said primary tailgate's top end.

4. A ~~truck having a~~ Retractable Auxiliary Tailgate, ^{attached to a truck} comprised essentially of:

a. an open frame back panel with a top rail located along a top end of said open frame back panel, and with a plurality of frame locks located on opposite end of the open frame back panel, of said truck;

b. said open frame back panel is attached to a primary tailgate, with a horizontal back panel hinge by means of a set of hinge pins matedly fit into a set of corresponding hinge pin ports, thereby holding said horizontal back panel hinge to said primary tailgate;

c. the open frame back panel is retractable within the primary tailgate, when said Retractable Auxiliary Tailgate is in its closed position, and with only said top rail visible along said primary tailgate's top end;

d. said open frame back panel is moved to its horizontal open position by pulling the open frame back panel out of the primary tailgate, and through the horizontal back panel hinge, and through a set of primary frame ports, until said open frame back panel

^{emerges from within}
~~clears~~ said primary tailgate, and then said frame locks each fit into a frame lock port;

e. the open frame back panel is moved to its vertical open position by pulling said open frame back panel to its horizontal open position, and then rotating the open frame back panel, with said horizontal back panel hinge being an axis of rotation, from a horizontal position to the vertical position, and then setting said open frame back panel into a set of secondary frame ports, where the open frame back panel is then effectively locked into its vertical open position.

5. A ~~truck having a~~ Retractable Auxiliary Tailgate, as recited in claim 4, and further comprised essentially of a set of reflectors attached to said open frame back panel ^{the} of ~~said~~ truck.

6. A ~~truck having a~~ Retractable Auxiliary Tailgate, as recited in claim 4, and further comprised essentially of a retractable stop affixed to the top rail, and such that said open frame back panel may still retract into the primary tailgate, with said top rail visible along a top end of said primary tailgate of said truck.

Appendix 3

DIVISIONAL
PATENT APPLICATION OF
MARK WILLARD VEJNAR
FOR
RETRACTABLE AUXILIARY TAILGATE

CROSS-REFERENCES TO RELATED APPLICATIONS

Q This is a Divisional Patent Application; the parent patent application being Serial Number 09/795,170, filed on February 27, 2001, and published as U.S. Patent Application No. 2002/0121794, on September 5, 2002, and issued as U.S. Patent Number 6,742,822 (2004). The entire declaration, oath, specification, disclosure, and drawing figures, and each of them, from said parent patent application and said issued patent, of the present divisional patent application, are hereby incorporated herein by reference, thereto.

STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR
DEVELOPMENT

Not Applicable

Other embodiments of the Retractable Auxiliary Tailgate may also include kits, including partially-assembled kit embodiments, which are comprised essentially of the components utilized in the various above-described embodiments, but are packaged and marketed as a kit or the like, to be added onto an existing truck or the like.

This specification and drawing figures are a divisional of parent patent application, serial number 09/795,170, filed February 27, 2001, and published as U.S. Patent Application Publication No. 2002/0121794 A1, on September 5, 2002, and issued as U.S. Patent Number ~~6,742,822~~ ^{6,742,822} (2004). The entire declaration, oath, specification, disclosure, and drawing figures, and each of them, from said parent patent application are relevant and related to the present disclosure and divisional patent application, and are hereby incorporated herein by reference, thereto.

While I have shown and described in this disclosure and its appended drawing figures, and which are a part of and incorporated in said disclosure, only selected embodiments in accordance with the present invention, it is understood that the same is not limited thereto, but is susceptible to numerous changes and modifications as known to one having ordinary skill in the art, and I therefore do not wish to be limited to the details shown and described herein, but intend to cover all such modifications, changes, eliminations, combinations and hybrids, as are encompassed by the scope of the appended claims.

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on Dec. 15, 2009
Date

Robert N. Schlesinger
Signature

Robert N. Schlesinger
Typed or printed name of person signing Certificate

29,852
Registration Number, if applicable

(909)-980-9540
Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.